

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 28363 PERMIT 19720 LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. Permit 19720 was issued to San Gabriel Hydroelectric Partnership on December 3, 1985 pursuant to Application 28363.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.


NOW, THEREFORE, IT IS ORDERED THAT:

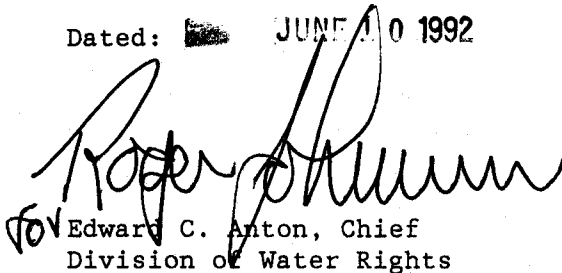
1. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1996

(0000009)

Dated:  JUNE 10 1992


for Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19720Application 28363 of San Gabriel Hydroelectric Partnership523 West Sixth Street, Suite 412, Los Angeles, California 90014filed on December 24, 1984, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

San Gabriel River

Tributary to:

Pacific Ocean

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
<u>San Gabriel Dam</u> <u>West 1,330 feet and South 800</u> <u>feet from NE corner of Section 6</u>	<u>NE$\frac{1}{4}$ of NE$\frac{1}{4}$</u>	<u>6</u>	<u>1N</u>	<u>9W</u>	<u>SB</u>

County of Los Angeles

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
<u>Power</u>	<u>Units #1 and 2 within</u> <u>SE$\frac{1}{4}$ of NW$\frac{1}{4}$</u>	<u>6</u>	<u>1N</u>	<u>9W</u>	<u>SB</u>	

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 305 cubic feet per second to be diverted from January 1 to December 31 of each year. ✓

(0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. ✓

(0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. ✓

(0000007)

8. Construction work shall be completed by December 1, 1988. ✓

(0000008)

9. Complete application of the water to the authorized use shall be made by December 1, 1989. ✓

(0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. ✓

(0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. ✓

(0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. ✓

(0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. ✓

(0000013)

14. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. ✓ (0000022)

15. Permittee shall comply with the following provisions which are derived from the agreement between permittee and the Metropolitan Water District of Southern California executed on August 5, 1985 and filed with the State Water Resources Control Board:

- (1) Diversion under this permit is specifically subject to the prior rights of Metropolitan.
- (2) Operation of permittee's power facilities shall in no way impair, alter, or affect Metropolitan's operations.
- (3) Permittee shall bear all costs and responsibilities of alternations and repairs to the Azusa Conduit made as a result of the construction and operation of permittee's power project.
- (4) Permittee shall make no claims against Metropolitan for any damage to permittee's power facilities that may be caused by Metropolitan's operation of Morris Dam and Reservoir in accordance with authorized rights.
- (5) Any violation of the provisions of this term may lead to a hearing before the State Water Resources Control Board which could result in the revocation of this permit.

Inclusion in this permit of certain provisions of the referenced agreement shall not be construed as disapproval of other provisions of the agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit. ✓ (0000024)

16. Water diverted under this permit is for nonconsumptive use and is to be released to San Gabriel River and Azusa Conduit within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6, T1N, R9W, SBB&M. ✓ (0000111)

17. This permit does not authorize any change in the releases from San Gabriel Dam or any change in the streamflow regime of the San Gabriel River. ✓ (000H001)

18. All rights and privileges to appropriate water for power purposes under this permit and any subsequently issued license are subject to depletions resulting from future upstream appropriation for domestic and stockwatering uses within the watershed. Such rights and privileges under this permit may also be subject to future upstream appropriations for uses within the watershed other than domestic and stockwatering if and to the extent that the Board determines, pursuant to Water Code Sections 100 and 275, that the continued exercise of the appropriation for power purposes is unreasonable in light of such proposed uses. Any such determination shall be made only after notice to permittee or licensee of an application for any such future upstream appropriation and the opportunity to be heard; provided, that a hearing, if requested, may be consolidated with the hearing on such applications. ✓ (000I001)

19. For the protection of the rare and endangered species Dudleya densiflora, permittee shall not disturb the population identified in the botanical survey. If it is likely to be disturbed by any project construction including but not limited to access road construction, soil deposition or blasting, the permittee shall alter the planned access road or other construction activity to eliminate impact to the plant species. ✓ (0500012)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

DECEMBER 3 1985

Dated:

STATE WATER RESOURCES CONTROL BOARD

Lloyd Johnson
Chief, Division of Water Rights